

## REMARKS

By way of summary, Claims 10-11, 36, 42, 44-45, 48-49, 46-57, 60-64, and 66-68 are pending prior to entry of this amendment. By this paper, Claims 10, 11, 36, 42, 44-45, 56, 62, 63, and 68 are amended. Thus, Claims 10-11, 36, 42, 44-45, 48-49, 46-57, 60-64, and 66-68 remain pending and presented for consideration.

### Discussion of §103 Rejections

In section 2 of the Office Action, independent Claims 10, 36, 56, and 63 are rejected under 35 U.S.C. §103 (a) as being unpatentable over O'Toole (U.S. Patent No. 6,279,112) in view of Wiser (U.S. Patent No. 6,385,596), and further in view of Beattie (U.S. Patent No. 5,659,742).

As discussed during the November 22 interview, the cited art fails to teach or suggest, among other features, providing media content in a format that is customized based on a type of device that will be rendering the media content. Amended Claim 10 recites, in part:

A computer-implemented method ... comprising:  
receiving media content data objects from a plurality of publishers;  
storing the received content data objects in a computer readable storage device;  
receiving, from a first client device, data representing a first selection of two or more of the media content data objects including a first media content data object;  
....  
receiving, from a second client device, data representing a second selection of two or more of the media content data objects including the first media content data object;  
....  
determining a first device type of the first client device and a second device type of the second client device, wherein the first device type and the second device type have different media rendering capabilities;  
generating a first altered media content data object by altering the first media content data object to facilitate rendering on the first device type;  
generating a second altered media content data object by altering the first media content data object to facilitate rendering on the second device type

The cited art fails to teach or suggest at least the above-highlighted features of Claim 10. The Office Action concedes that O'Toole "does not explicitly disclose transforming, by a computing device, the one or more of the selected content data objects from respective native formats as provided by the respective publishers to a device specific format associated with a type of client device." *Office Action*, page 4. O'Toole similarly fails to teach or suggest the above-highlighted features of Claim 10. The Office Action cites Beattie as teaching aggregation features. Applicant disagrees with the Office Action's characterization of Beattie

and submits that Beattie also fails to teach or suggest at least the above highlighted features of Claim 10. Beattie is directed towards "a method for storing information in an information retrieval system having a database for retrieval of the input information in response to a query." *Beattie*, Abstract. Beattie entirely fails to teach or suggest generation of altered media content based on the type of device receiving the media content, as recited in Claim 10.

The Office Action continues by indicating that Wiser discloses such transforming. However, Wiser is directed to a "secure online music distribution system." *Wiser*, Title. Wiser states that "consumers are accustomed to being able to play music purchases anywhere they can carry a CD and CD player. Consumers will expect similar portability when purchasing digital media over the Internet. Accordingly, a desirable online music distribution system should allow a consumer to playback purchased audio not merely on a single computer, but on any platform equipped with an appropriately licensed playback device and the licensee's personal identification." *Wiser*, col. 2, ll. 32-40. Wiser discusses the use of public keys that are user specific: "the purchaser's public key from the passport is used by the content manager to encrypt the media key for the media data file being purchased. In this manner only the purchaser's media player can decrypt the media key for the purchased audio and playback of music." *Wiser*, col. 4, l. 32-36. Wiser then describes that "[w]hen a received media data file 200 is to be played back 964 (either immediately or at a later time), the consumers passphrase is entered. The media player 116 extracts the encrypted registration key 420 from the passport 400 and decrypts it with a passphrase." *Wiser*, col. 19 ll. 50-52. Accordingly, while Weiser describes a system where a user-specific key may be used to allow the user to playback media files on multiple devices, Wiser entirely fails to teach or suggest customization of media delivered to users based on a type of device used by the respective users. In contrast, Claim 10 recites:

receiving, from a first client device, data representing a first selection of two or more of the media content data objects including a first media content data object;

....

*determining a first device type of the first client device ... [and]  
generating a first altered media content data object by altering the first media content data object to facilitate rendering on the first device type;*

Claim 10 further recites a similar generation of altered media data content for a second device type that has different rendering capabilities than the first device, where the first and second altered media content each include an altered version of the same first media content data. In particular, Claim 10 recites:

receiving, from a second client device, data representing a second selection of two or more of the media content data objects including the first media content data object;

....

determining ... a second device type of the second client device, wherein the first device type and the second device type have different media rendering capabilities;

generating a second altered media content data object by altering the first media content data object to facilitate rendering on the second device type

Thus, the method of Claim 10 recites that the first media content data object is transformed into two different formats: a first format that facilitates rendering on the first device type and a second format that facilitates rendering on the second device type. Wiser, as well as the other cited art, fails to teach or suggest such customization of media content based on user device type. Accordingly, the rejection of Claim 10 cannot be maintained and removal of the rejection is respectfully requested.

Independent Claim 36 recites "[a] computer ... configured to execute one or more programs stored on the computer readable medium in order to ... determine a client format based on at least a type of the client device, wherein the client format is optimized to facilitate rendering on the client device type; [and] transform one or more of the content data objects from respective native formats to the client format, different than at least some of the respective native formats." Independent Claim 56 recites "[a] computer readable storage medium having instructions stored thereon that, in response to execution by a computing device, cause the computing device to perform operations comprising ... determining a client format based on at least a type of the client device, wherein the client format is optimized to facilitate rendering on the client device type; and transforming one or more of the selected content data objects from respective native formats to the determined client format." Independent Claim 63 recites "[a] computing device comprising ... means for transforming one or more of the selected content data objects from respective native formats as provided by the publishers to another format, different than the native formats, based upon the client device type, wherein the another format is optimized to facilitate rendering on the client device type." The cited art, alone and in any combination, fails to teach or suggest at least the above-recited features of Claims 36, 56, and 63, for at least the reasons discussed above with reference to Claim 10, where applicable. Accordingly, the rejection of Claim 36, 56, and 63 cannot be maintained and removal of the rejection is respectfully requested.

Summary

**Application No.: 09/922,337**  
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Dependent Claims are allowable at least for the reasons discussed with reference to their respective base claims, as well as their unique patentable features.

In view of the remarks and claim amendments above, Applicant respectfully asserts that the above-captioned application is in condition for allowance and prompt allowance of the same is requested.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

| Docket No.  | Serial No.  | Title  | Filed    |
|-------------|---|--|----------|
| KM2158.001A | 09/896,017<br>Now U.S.<br>Patent No.<br>7,155,477 | METHOD AND SYSTEM FOR<br>CONTINUOUS INTERACTIVE<br>COMMUNICATION IN AN<br>ELECTRONIC NETWORK | 06/28/01 |

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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